

REMARKS

Claims 1-7 remain pending in the present application. Claim 1 and 7 are amended herein. Claim 8 is cancelled.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Field et al. (U.S. Pat. Pub. No.20040077738). This rejection is respectfully traversed.

The Examiner contends that Field discloses an aerogel-hollow particle binder composition comprising an aqueous binder, hydrophobic aerogel particles, and hollow, non-porous particles, as well as an insulation composite comprising the aerogel-hollow particle binder composition, and a method of preparing the aerogel-hollow particle binder composition and insulation composite.

As the Examiner is well aware, a rejection under 35 U.S.C. §102(b) can only be maintained if a single reference teaches each and every element of the claims. If there are any differences whatsoever between the reference and the claim(s), the rejection cannot be based on 35 U.S.C. §102. Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).

Applicant submits that Field et al does not teach carbon aerogels but rather only inorganic aerogels, such as metal oxide aerogel particles (e.g., silica, titania, and alumina aerogels) (see para. [0007]). As a result of using aerogels, particularly those formed from pyrolyzing organic aerogels, increased temperature stability can be achieved. Applicant also notes that Field et al. fails to provide the requisite motivation for substituting carbon aerogels for the specific inorganic aerogels. In fact, the only reference to carbon components according to Field et al is with regard to the use of opacifying agents selected from carbon black, carbon films and

modified carbonaceous components in association with hydrophobic aerogels (see pg.1, ¶ [0008]) as opposed to carbon aerogels per se. In view of the foregoing, one of ordinary skill in the art would not consider Field et al. in combination with other potential art teachings for this purpose.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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